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REPORT
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EMERGENCY WETLANDS RESOURCES ACT OF 1983

JANUARY 26 (legislative day, JANUARY 23), 1984.—Ordered to be printed

Mr. CHAFEE, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany S. 1329]

The Committee on Environment and Public Works to which was referred the bill (S. 1329) to extend until October 1, 1993, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

BACKGROUND AND STATEMENT OF THE NEED FOR LEGISLATION

In 1961, Congress passed the Wetlands Loan Act to accelerate Federal acquisition of migratory waterfowl habitat. This law, as amended, authorizes the appropriation of $200 million as a loan against future revenues from the sale of Migratory Bird Hunting and Conservation Stamps (Duck Stamps). At the present cost of $7.50 per stamp, revenues are approximately $14.5 million per year. The authorization, of which more than $145 million has been appropriated, expires on September 30, 1984, and, beginning with the first quarter after October 1, 1984, 75 percent of the revenues raised from the sale of Duck Stamps must be used to repay the loan. Less than $4 million would be available on an annual basis to conserve the necessary wetlands.

On April 1, 1983, S. 978, an Administration proposal to, among other things, amend the Wetlands Loan Act to extend the availability of funds under it for 10 years and to delete the provisions for repayment of advances under the Act was introduced by request. On May 19, 1983, S. 1329, the Emergency Wetlands Resources Act which would, among other things, amend the Wetlands

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Loan Act in a manner identical to S. 978 was introduced. Hearings were held on July 7, 1983 in Washington, D.C. and an August 10, 1983 in Aberdeen, South Dakota.

Recognition of the need for wetlands conservation did not arise spontaneously, but rather grew out of international concern for migratory birds that depend upon wetlands for survival. As far back as 1916, the United States and Great Britian (acting for Canada) negotiated the "Convention for the Protection of Migratory Birds." This was the first of five treaties that established an international, cooperative effort to conserve migratory birds and their habitats. These treaties provide the foundation for National laws that grant the Federal Government the authority and responsibility to manage migratory birds and their habitats. In 1983, the U.S. Supreme Court confirmed that, "The protection of migratory birds has long been recognized as a national interest of very nearly the first magnitude. . . . "*North Dakota* v. *United States,* No. 81-773 (March 7, 1983).

The Migratory Bird Conservation Act was passed in 1929 to better meet treaty obligations and provided authority for the acquisition of migratory bird habitat. Funding is provided by section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d) as amended, in the form of a permanent appropriation from the Migratory Bird Conservation Fund which contains monies generated from the sale of Migratory Bird Hunting and Conservation Stamps (Duck Stamps) and certain surplus Federal property. Areas acquired are incorporated into the National Wildlife Refuge System.

As stated in the Administration's transmittal letter accompanying S. 978 on March 2, 1983:

> The need to conserve wetlands has never been more critical than it is today. At present, the modification and destruction of wetland habitat is the single most important factor affecting migratory waterfowl abundance. In addition, wetlands are important for many reasons other than the conservation of waterfowl. They are biologically and economically important to the lives of every American. They contribute to the production of a commercial and recreational fishery harvest valued at several billion dollars annually. Equally important, they provide millions of Americans with opportunities for recreational activities such as boating and bird watching, support a major portion of the Nation's multimillion dollar annual fur harvest, provide savings in natural flood and erosion control, and help to supply the Nation's increasing demand for safe, pure water. In all, wetlands contribute from $20 to $40 billion a year to the national economy.

It is estimated that approximately one-half of the 215 million acres of wetlands that once existed in the coterminous United States have been converted. Previous estimates indicated yearly losses of 300,000 wetlands acres, but a recent study by the United States Fish and Wildlife Service found that this figure is significantly higher, with a net loss of 458,000 acres, or 715 square miles, every year. Over 9 million acres, an area nearly twice the size of

New Jersey, were lost in the 20-year period from the 1950's to the 1970's covered by the study.

A Federal role in the acquisition of wetland habitat has been recognized by Congress for many years. The enactment of the Migratory Bird Conservation Act in 1929 and the Migratory Bird Hunting and Conservation Stamp Act of 1934 established the foundation for our present wetlands acquisition program.

During the 1950's the Department of Interior, the States, and the International Association of Fish and Wildlife Agencies jointly determined that 12.5 million acres of waterfowl habitat needed to be under State and Federal control and managed to maintain waterfowl populations that existed then. The responsibility for acquiring this habitat was split with the Federal share placed at 8 million acres—including 3.5 million already owned. The U.S. Fish and Wildlife Service determined during 1976 that 1.95 million acres of the Federal portion of waterfowl habitat remained to be acquired and that those acres should be preserved during a 10-year period between fiscal year 1977 and fiscal year 1986. In the first seven years of the ten-year period, the Fish and Wildlife Service will have acquired only about 18 percent, or 359,410 acres, of the 1.95 million acres of waterfowl habitat identified for Federal acquisition. Similarly the States have acquired only about 18 percent of the acreage identified for State acquisition. Clearly, we need to do a better job of meeting our goals.

The Federal Government would need to spend an average of $140 million per year to accomplish the current acquisition goal of 1.6 million acres in a new 10-year period—it was originally supposed to have been completed in 1986. With or without this bill, we will not be able to satisfy our original goals. The Emergency Wetlands Resources Act will provide, for an emergency 10-year period, approximately $50 million per year for Federal acquisition and an additional $50 million per year for State acquisition. Of this, approximately $25 million per year will be raised from user fees and $75 million per year will come from the existing land and water conservation fund which contains $900 million each year consisting primarily of offshore oil and gas revenues. The effect of the failure to meet our original goals will be lessened by enactment of legislative proposals based on the Tax Treatment Extension Act of 1980, the foundation for gifts for conservation purposes and increased dedication of private lands to wetland uses.

As reported by the Committee on Environment and Public Works, S. 1329 will accelerate Federal and State acquisition of wetlands habitat, equitably distribute the costs of such acquisition by utilizing an existing source of funding—the land and water conservation fund—to supplement moneys provided by hunters and other conservationists, place a high priority on the national wetlands inventory project which maps and analyzes the status and trends of our Nation's wetlands, and will develop the information needed to decide how we can stop the destruction of these important natural areas that is currently being underwritten and encouraged with Federal tax dollars.

No discussion of wetlands would be complete without reference to the major Federal provisions, enacted in 1972, for the protection of wetlands, including such areas as coastal and inland marshes

and estuaries, river-associated water-saturated areas, inland lakes, potholes, bogs, mudflats, and bottomland hardwood forests.

Section 404 of the Clean Water Act.—A new role in wetlands maintenance was established, that of regulator of wetlands development. Permit requirements under the U.S. Army Corps of Engineers' regulatory authority of section 404 of the Act extend to all waters of the United States, including wetlands. This legislation (S. 1329) cannot and should not be viewed as a substitute for a strong section 404 program. This bill is designed to augment, not replace, existing programs. Conversely, failure to enact this bill or to significantly accelerate Federal and State wetlands acquisition programs will force increased reliance upon regulatory programs such as the 404 program to control the unaccpetable rate of wetlands loss.

Section-by-Section Analysis

Section 1—Short Title

Section 1 states the short title of the legislation, "The Emergency Wetlands Resources Act of 1983."

Section 2—Findings and Statement of Purpose

Section 2 states the findings and purpose of the legislation. The findings state the value of wetlands in terms of economic, water and food supply, fish and wildlife, and flood control as well as other values. They also reflect the fact that these areas are disappearing at an alarming rate and that their loss has been stimulated, to some degree, by government actions. Finally, the findings state that the existing Federal, State, local and private efforts to protect wetlands should be strengthened in order to minimize further losses.

Although Fish and Wildlife Service concern for wetland conservation stems primarily from migratory bird conservation-related responsibilities, wetlands cannot be studied without soon becoming aware of other, perhaps equally important, benefits they provide. Resident game species depend on wetland acres; it is the water that percolates into the soil from wetlands that replenishes the aquifers that supply the wells that make pivot irrigation systems, and the crops they produce, possible in some areas; water from heavy rains or snowmelt is trapped and held temporarily in wetland basins, thus providing additional agricultural water in the north, while simultaneously reducing the frequency and severity of floods suffered by towns and agricultural lands downstream; by reducing and slowing the rate of runoff, wetlands also reduce the rate at which topsoil is lost through erosion and the sediment and pollutants that settle in these basins reduce the amount that reaches the rivers, streams, and water supplies of downstream residents. Ducks and other birds are not the only losers when wetlands are drained unwisely, nor should wetland conservation be perceived as the concern solely of the birdwatcher or the duck hunter.

Wetlands, and the life they support, are nationally and internationally recognized natural resources, fully comparable in significance to California's redwoods, Yellowstone's thermal areas, or the

Grand Canyon. The economic and other benefits they collectively provide can barely be touched upon in a brief statement.

This section of the bill also states the purpose of the legislation, which is to promote the conservation of wetlands through State and Federal wetland acquisition and cooperative efforts among private interests and local, State and Federal governments for the conservation and management of wetlands.

Section 3—Definitions

This section defines "wetland" in layman terms. Words such as "saturated" are not used in a scientific sense. The definition is derived and is consistent with the definition currently being used by the National Wetlands Inventory Project. "Wetlands" include such areas as coastal and inland marshes and estuaries, river-associated water-saturated areas, inland lakes, potholes, bogs, mudflats, and bottomland hardwood forests.

TITLE I. EXTENSION OF WETLANDS LOAN ACT

Section 101 amends the Wetlands Loan Act to extend the availability of funds under it for 10 years and to delete the provisions for repayment of advances under the Act.

TITLE II. REVENUES FOR MIGRATORY BIRD CONSERVATIONS FUND

Title II includes measures which will increase the Migratory Bird Conservation Fund and the appropriations made under Section 4 of the Act of March 16, 1934 (48 Stat. 541; 16 U.S.C. 718d) as amended. That provision of the law states that "All moneys received into (the migratory bird conservation) fund are appropriated . . . and shall be available . . . until expended. . . ." Therefore, the additional revenues received into the fund, including the monies transferred from the Land and Water Conservation Fund (LWCF) are appropriated. It should be noted, however, that the LWCF transfer is limited to an emergency ten year period. At the end of that period the transfer from LWCF shall cease.

Section 201—Admission Fees at Certain Refuge Units

This section authorizes the Secretary of the Interior to establish admission fees at certain units of the National Wildlife Refuge System. In developing this provision, the long history of support for wildlife programs by American sportsmen was recognized. Since the establishment of the Migratory Bird Hunting and Conservation Stamp (known popularly as the "Duck Stamp") in 1934, more than $254 million has been collected from sportsmen for the acquisition of almost 3 million acres of migratory bird habitat. Some of our nation's most spectacular and valuable refuges, such as Chincoteague in Virginia, have been purchased with Duck Stamp funds. It thus is appropriate that those persons who visit wildlife refuge units for purposes other than hunting make similar contributions to the expansion of the refuge system.

In essence, the provision allows the Secretary of Interior broad authority to designate refuge units where entrance fees will be charged and to establish a reasonably priced admission permit fee for those units. It is necessary to provide the Secretary with broad

authority because only certain refuge units lend themselves to the administration of an admission fee system. Refuge units where visitation is low or where access cannot be effectively controlled are not appropriate for the imposition of entrance fees.

Subject to certain restrictions, the Secretary is also given broad authority to set the admission price. The great variety of wildlife and other recreational values that can be found throughout the refuge system make the setting and fixing of such a fee by legislation impractical. The provision does include language that the admission fees shall be "fair and equitable". They should not be set at a level that would discourage public visitation of wildlife refuge units. The Secretary shall monitor the number of visits carefully to determine if the entrance fee is discouraging visitors and, if it is, lower the fee. Fees are to be set on a unit by unit basis.

Because they are already contributing directly to the expansion of the refuge system, persons holding a valid duck stamp are to be admitted without an additional entry permit. This provision should encourage many additional people to purchase stamps. What constitutes a "reasonable admission fee" for a single visit can be determined in part by recognizing that the price of a duck stamp is set by statute and that possession of a valid stamp authorizes unlimited general entry to public areas of designated units. A single visit permit should cost considerably less than a duck stamp.

This entire section is modeled after the Land and Water Conservation Fund Act's provisions governing entry fees at National Parks. The Secretary's experiences with the administration of Park fees should be extensively utilized in the development and administration of the Refuge fee program. There is no requirement that fees be the same at every designated unit.

The size or location of a particular Refuge unit or the lack of complete visitor facilities may make it difficult if not impossible to fully visit the refuge unit in a single day or to remain in the unit for the entire day. Therefore, upon establishment of an entrance or admission fee at a particular unit of the National Wildlife Refuge System, the Secretary shall define what constitutes a "single visit" at that unit. A "single visit" may be for a period of from one to fifteen days.

Special admission permits for uses such as group activities may be issued in accordance with procedures and at fees established by the Secretary. The purpose of the group permits is to allow for educational, nature observation or similar tours by organized groups. The fees for group permits should be set low enough that they will not serve as a significant disincentive to refuge visitation. There is no requirement that group fees be set at a fixed level. Special admission permits for certain groups may be issued free or at nominal fees. The discretionary authority to issue special admission permits to individuals should be used only for persons, such as researchers, contractors for work on refuges, local fire and police authorities and others for whom individual permits would not be appropriate. Such special permits should not be issued to any persons who visit refuge units for primarily recreational purposes. Frequent visitors may escape the burden of purchasing individual permits by buying a valid Duck Stamp.

Revenues from permits issued upon payment of entrance or admission fees, less 10 percent for administration of the permit program and for refuge administration, are to be placed in the Migratory Bird Conservation Fund (MBCF) and used to acquire habitat for migratory birds. The 10-percent set aside is to be used for all aspects of the admission permit program on the refuge unit and can be used for other refuge purposes as well. The first priority for nonpermit related funds would be for projects that would provide some benefits to refuge users such as trials, observation stations, and interpretive materials.

A permittee and any persons accompanying such permittee in a single, private, noncommercial vehicle or, where entry to the area is by means other than a single, private non-commercial vehicle, the permittee and any accompanying spouse, children or parents shall be entitled to general entrance into a designated unit covered by the permit. This provision allows groups of persons arriving in non-commercial vehicles and immediate family members to be admitted on a single permit that was issued on payment of a fee. Requiring that each passenger in a car or each member of a family purchase a permit would make the cost of visiting refuge units prohibitive.

The Secretary is directed to establish procedures for the issuance of permits at no cost to certain individuals. Such free permits are to be available to blind and disabled persons and for persons over the age of 62 years. Special permits for these persons shall be for the lifetime of the permittee but shall not be transferable and shall not cover persons other than the individual permittee.

No admission fee shall be charged for nonstop travel through a designated unit if such travel is by private non-commercial vehicle and is over a Federal road or highway which is commonly used by the public as a means of travel between two places which are outside the designated unit. Based upon the location and configuration of the refuge unit and the road, or other relevant factors, the Secretary may require a permit at no cost for such travel. Similarly, no fee shall be charged for travel by inholders to and from their property. Whether or not a permit will be required must be decided by the Secretary on a case by case basis. If a permit is required, it shall be at no cost to the inholder. Free permits should be available to persons visiting inholders on their property. These permits need not allow for travel to any area of a designated unit other than an inholding. By purchasing a valid Duck Stamp on an annual basis, inholders can assure themselves of unlimited general entry to public areas of a designated unit.

All permits authorized by this section shall be available and for sale at all designated refuges. Admission permits are non-transferable and do not grant any privileges for activities for which separate fees are charged under the Land and Water Conservation Fund Act.

Notices that an admission fee is required shall be prominently posted at designated refuge units and included in appropriate publications of the Department of the Interior. Because this is a user fee, the notice should include a statement of how the collected funds are to be used. Persons who visit units of the National Wildlife Refuge System are most often those who are concerned about

the conservation of wildlife and have been supportive of efforts to acquire wildlife habitat. They should be informed that the admission fees are to be used for this purpose.

The Secretary is required to submit annual reports on the admission permit program to the appropriate Committees of Congress. While an accurate and substantive report is required, exhaustive studies of the program need not be done on an annual basis.

Section 202—Price of Migratory Bird Hunting and Conservation Stamp

Over a five year period, the price of the Duck Stamp is gradually increased from its current $7.50 to $10.00 to $12.50 and, finally, to $15.00. The increase is designed to compensate for increases in the cost of wetland habitat that have already occurred. A gradual increase was substituted for the Administration's proposal to double the cost of the stamp in one step.

Sections 203 and 204—Transfers to Migratory Bird Conservation Fund

Section 203 directs that an amount equal to the amount of duties collected on imported arms and ammunition be paid into the Migratory Bird Conservation Fund on a quarterly basis. Annual revenues from such duties are estimated to be $9 million annually.

Section 204 directs that, for a limited, emergency 10 year period, $75 million shall be transferred each year from the Land and Water Conservation Fund to the Migratory Bird Conservation Fund. The transferred funds shall be received into the Migratory Bird Conservation Fund, appropriated under Section 4 of the Act of March 16, 1934 (48 Stat. 541; 16 U.S.C. 718d), as amended, and available under that Act for Federal acquisition and State wetlands conservation programs.

The transfers directed by this section should not reduce annual appropriations made from the Land and Water Conservation Fund (LWCF) for parks, refuges and endangered species purposes. Annual appropriations from the LWCF have historically been significantly less than the authorized $900 million. The importance of and need for increased appropriations directly from the LWCF is not affected by the transfers to and appropriations from the Migratory Bird Conservation Fund. Although the two funds are related, it should be noted that they serve different purposes. Appropriations from one fund cannot substitute for appropriations from the other.

TITLE III. FINANCIAL ASSISTANCE TO STATES FOR WETLANDS CONSERVATION

This title amends the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d) as amended, to authorize for 10 years, a program of matching-grants to States to assist with federally approved wetlands conservation projects. The program would make $50,000,000 available annually for Federal assistance in an amount equal to 75 percent of the total cost of each approved project. The Secretary of the Interior is directed to develop, in corporation with the states, a national wetlands priority conservation plan. One-half of the funds

available for Federal assistance would be apportioned on the basis of how much states have spent on wetlands protection in the past and one-half would be apportioned to states on the basis of proposals to protect wetlands in a manner consistent with the national priority plan.

Section 301 adds two new subsections (d) and (e) to section 4 of the Act of March 16, 1934, to authorize grants and to apportion among the States up to $50 million annually from the Migratory Bird Conservation Fund for wetlands conservation purposes.

The term "wetlands conservation" is defined under new subsection 4(d) of the Act to include wetlands acquisition and enhancement. The term "wetlands acquisition" is defined, in turn, to mean those purchases of fee title or easements of wetlands and associated upland areas that contribute appreciably to the long-term preservation of such wetlands and associated populations of fish, wildlife, and plants. Acquisition of upland areas adjacent to wetlands is often essential to maintianing the values of those wetlands. Acquisition of less than fee interests, such as acquiring the surface estate but not the mineral interests or acquiring an easement, is often appropriate. Long-term preservation of wetlands and associated uplands may often best be achieved through obtaining easements in perpetuity.

The term "wetlands enhancement" means those projects that will (1) establish or re-establish wetlands where none currently exist, (2) increase the size of an existing wetland, or (3) restore the natural quality of an existing wetland. Funds for wetlands enhancement projects are provided as another means, in addition to acquisition, of increasing the acreage of natural wetlands under long-term preservation. Restoration of an existing wetlands' natural quality may often require the restoration and preservation of adjacent upland areas and these activities are properly included within the term "enchancement". The term "project" includes construction projects as well as other projects that do not involve construction, such as the planting of vegetation to restore the quality of wetlands. It is important to note that the definition describes actions that relate to wetlands directly and not actions that relate to any particular use of a wetland. Funds that are provided to the states should be for a wide variety of projects that create, enlarge or improve the natural quality of wetlands. Freshwater diversion projects designed to create or enlarge coastal wetlands would qualify. The planting of appropriate flora, such as eel grass or similar grasses, would also qualify as well as any number of other pojects. On the other hand, the funds may not be used by the States for projects that merely improve a wetland for some specific use. Intensive management practices to increase waterfowl populations or populations of other fish or wildlife do not quality as "enchancement projects". The construction of nesting islands for waterfowl, for example, is an important wildlife management practice and can be funded under the Federal Aid in Wildlife Restoration Program (Pittman-Robertson). However, it is not a project that improves the natural quality of the wetland itself and, as such, would not be eligible for funding under this section. Similarly, "the introduction of appropriate flora" does not constitute enhancement within the meaning of this section if such introduction is to provide feed for

waterfowl. Operation and maintenance costs for projects should be borne by the State and not made a part of the original project cost.

New subsection 4(d) of the Act authorizes the Secretary of Interior to provide up to $50 million annually to the States for wetlands conservation over a ten-year period beginning October 1, 1984 and ending September 30, 1994. It is expected that the Secretary will seek to apportion the full amount authorized consistent with the standards he establishes for wetlands conservation projects. In any case, it is expected that the Secretary will recognize the importance to the States of providing a predictable amount of funds on an annual basis to implement long-range plans for wetlands conservation.

Paragraph 3 of new subsection 4(d) of the Act establishes a formula for allocation of wetlands conservation funds to the States and limits the amount that may be used by the Secretary to defray costs incurred in administration of those grants to 4 percent of the total amount allocated to the States. Experience with the Federal Aid in Wildlife Restoration and Federal Aid in Sport Fish Restoration programs has shown this to be a realistic limit.

Fifty percent of the funds for wetlands conservation made available under this subsection will be apportioned among the States on the basis of past expenditures for wetlands conservation. Specifically, it is to be allocated on the basis of the ratio each eligible state's expenditure of State funds for wetlands conservation projects bears to the total amount of funds spent by all eligible states for such projects during the most recent fiscal year for which such a calculation is practicable. In making the calculations, only state expenditures for wetlands conservation should be considered. Federal funds made available to the states under the Federal Aid in Wildlife Restoration Program or similar programs are not to be included in determining the ratio. Neither is it intended that the projects undertaken as mitigation for adverse impacts of public works projects be included in the determination. In addition, only funds expended for "wetlands conservation" as defined in this section should be considered in determining the ratio. The remaining one half of the amount made available to the States is to be apportioned to the eligible states for wetlands conservation projects which are consistent with the national priority conservation plan established under new subsection 4(e) as added by this section. Finally, the apportionments made to the States are to be adjusted so that no State receives less than one-half of one percent of the total amount available for apportionment under this section.

This apportionment formula will serve three purposes. First, it will provide all of the States with a sum of money on which they can rely for wetlands conservation projects. Second, it will encourage greater State expenditures for wetlands conservation by rewarding States which contribute greater amounts. Third, it recognizes that there is a need to focus some of the funding on projects of high priority.

New subsection 4(d) sets forth the process by which a State may elect to avail itself of the benefits of the new grant program. The conditions relating to eligibility of States are patterned closely after the provisions of the Federal Aid in Wildlife Restoration and Federal Aid in Sport Fish Restoration Acts. Thus, the format

should be familiar to the States and the programs should be compatible and easily administered.

States may become eligible for funding in one of two ways. First, they may prepare and submit to the Secretary a comprehensive wetlands conservation plan. Once the plan is approved by the Secretary, wetland conservation projects included as segments in the plan may be funded without further Secretarial approval. Second, the states may submit individual wetland conservation projects for approval. If the Secretary determines that these projects meet the requirements of the Act, he would approve the projects and it would be eligible for funding.

In determining whether or not to approve a plan or project, the Secretary should not approve projects which are, or will be, undertaken as mitigation for adverse impacts of public works projects.

The States are required to contribute at least 25 percent of the costs of the project. The state share cannot come from Federal sources. For example, the use of Pittman-Robertson funds as matching funds would not be allowed. The Secretary may only make payments for approved projects or segments of a conservation plan that are completed or that he finds are being implemented in compliance with the plan or project.

Two mechanisms for funding the projects or plans over a period of time are provided. First, the Secretary may make payments on a project or plan segment as it progresses, providing that the payments at no time exceed the 75 percent limitation on Federal funding. Second, the Secretary may fund the initial portion of a project or plan segment and agree to fund the remaining Federal share of the costs if and when funds become available. The language makes clear that the liability of United States funding under this provision is contingent upon the continued availability of funding. Any funds that are not used properly by any state must be repaid before it receives any further assistance.

Funds made available to the states for any fiscal year shall remain available until the close of the succeeding fiscal year. Any amount remaining after two years shall be used by the Secretary to fund state wetland conservation projects consistent with the wetlands priority conservation plan developed pursuant to new subsection 4(e) or to acquire wetlands for inclusion in the National Wildlife Refuge System. Amounts not made available to the states shall remain available for Federal refuge acquisition until expended.

The Secretary is authorized to issue rules and regulations to carry out the provisions of the title. The Secretary should proceed to issue the regulations as quickly as possible.

New subsection 4(e) requires the Secretary of the Interior, after consultation with the States and other Federal agencies, to establish a priority conservation plan that will be used to rank wetlands acquisition and enhancement projects. This plan will specify which types of wetlands are to be given priority in the allocation of funds for acquisition of wetlands and implementation of enhancement projects. The plan should be used to rank both Federal projects and federally assisted State projects. Wetlands types may be identified by the region where they occur (such as the Lower Mississippi River Valley or Prairie Pothole Region), by the U.S. Fish and Wildlife Service's classification (such as forested or emergent wetland),

by a combination of these methods (forested wetlands in the Lower Mississippi River Valley), or by some other means deemed appropriate by the Secretary of Interior.

In establishing priorities for the wetlands types identified, the Secretary is directed to take into account the significance of the loss or threat of loss of those respective types of wetlands. In determining the significance of the loss or threat of loss, it is expected that the Secretary shall consider estimates of previous and/or projected rates of loss for that wetlands type, estimates of what proportion of the original acreage of that wetlands type remains, and estimates of the relative importance of that wetlands type. The Secretary specifically must consider the relative importance of wetlands types with respect to the contributions that those wetlands make to (1) wildlife, including endangered and threatened species, migratory birds, and resident species; (2) commercial and sport fisheries; and (3) surface and groundwater quality and quantity, and flood control. No one of these services or products provided by the respective wetlands types should be given greater priority than any other. Instead, the Secretary should consider the broadest range of wetlands values in establishing priorities and not limit his consideration to any one service or product contributed by a wetlands type.

New subsection 4(e)'s direction that a national wetlands priority conservation plan be established evolved from the realization that, while there are a number of worthwhile projects in every State, there are a number of projects that, by virtue of their size, value or other qualities, deserve priority consideration. Two tracts of bottomland hardwoods along the Mississippi River, the Tensas tract in Northeast Louisiana, and the Anderson Tulley tract in Eastern Tennessee, are examples of areas that, because of their size, availability, potential for drainage, and the fact that they represent rare remnants of an extremely important wetland type, should receive immediate consideration for funding.

The Department of the Interior is already developing such a priority list. The priority conservation plan should flow from this effort and further consultation with the states.

TITLE IV. WETLANDS INVENTORY AND TREND ANALYSIS

Title IV provides for an accelerated continuation of the National Wetlands Inventory program operated by the United States Fish and Wildlife Service and a complete and thorough analysis of the causes of wetlands degradation and destruction.

Section 401—Continuation of the national wetlands inventory project

Section 401 establishes an accelerated schedule for producing the National Wetlands Inventory maps for the highest priority wetland and deepwater habitat areas, the remainder of the contiguous United States, and Alaska and other noncontiguous portions of the United States. Sufficient authorizations are included to accomplish the task. The definition of "wetland" included in this bill is derived from and is consistent with the definition currently being used by the National Wetland Inventory Project. To the extent the defini-

tions may differ, the U.S. Fish and Wildlife Service is not required to alter its mapping process.

This section recognizes the importance and value of the program instituted by the United States Fish and Wildlife Service known as the National Wetlands Inventory. The goal of this program, which utilizes highly sophisticated aerial imagery, interpretation, and computer mapping techniques, is to categorize and map all of the wetland and deepwater habitat contained within the boundaries of the United States by type. The data and maps which have been produced to date encompass approximately 25 percent of the high priority wetlands systems in the United States and have proven to be extremely valuable for purposes such as estimating the status and trends of wetland destruction as well as being useful for planning of construction projects by private and public interests. While the maps produced to date are specifically not intended to be used for regulatory purposes, their value in the scoping of review of Corps of Engineers permit activities and proposed wetlands acquisitions is widely recognized.

The United States Fish and Wildlife Service has shown a commitment to continue the development and updating of the Inventory, but due to the high cost of the technologies involved, the progress towards completion of mapping the coterminous United States has been slowed and directed, to some extent, away from the areas of highest priority to areas where state matching funds are available.

The completion of the first round of mapping for the National Wetlands Inventory, and the continued updating and improvement of those maps through time, is vital to the development and implementation of a reasonable, technically sound, effective, wetlands acquisition program as well as the continuation of their utility in construction planning.

The U.S. Fish and Wildlife Service has identified those areas which it believes are the top priorities for mapping. Those areas would include the entire coastal zone of the United States, flood plains of the major river systems, and the prairie pothole region which is the nesting ground for a large portion of our migratory waterfowl. These categories are indeed the most important for accelerated mapping, and accordingly, subsection (a)(1) requires the Fish and Wildlife Service to complete the National Wetlands Inventory maps for those areas by September 30, 1987.

Subsection (a)(2) provides that, for those portions of the contiguous United States for which maps have not been previously produced, the Fish and Wildlife Service is directed to complete the inventory by September 30, 1989.

Recognizing the difficulty in preparing the Wetlands Inventory maps for Alaska and other non-contiguous portions of the United States, subsection (a)(3) requires only that the maps be produced as soon as is practicable.

The September, 1982, report entitled "Status and Trends of Wetlands and Deepwater Habitat in the Coterminous United States, 1950's and 1970's" has proven to be a valuable source of information on the relative losses of different types of wetlands and deepwater habitat for the period of study. In order to effectively plan and carry out a program of wetlands protection, which includes the

acquisition of wetlands, this report should be regularly updated and improved based on the inventory and subsequent changes. Therefore, subsection (a)(4) requires the Fish and Wildlife Service to regularly update and improve the information contained in the "Status and Trends" report, with the first update to be produced by September 30, 1986, and revisions every 10 years thereafter.

Subsection (b) provides the necessary authorizations for appropriations for the Department of the Interior to carry out the accelerated map preparations and report requirements contained in subsection (a). The inventory of deepwater habitats that is being done simultaneously and as part of the wetlands inventory is included in these authorizations.

Subsection (b)(1) authorizes $14,500,000 for each of the fiscal years 1984, 1985, 1986, and 1987 to complete mapping of the high priority wetland and deepwater habitat areas.

Subsection (b)(2) authorizes $6,750,000 for the fiscal years 1988 through 1994 to complete mapping for the remainder of the contiguous and noncontiguous portions of the United States.

Subsection (b)(3) authorizes $900,000 for each of the fiscal years 1985 through 1996 to carry out the updating and publishing of the "Status and Trends" reports.

Section 402—Wetlands loss report to Congress

Section 402(a) requires that the Secretary of the Interior prepare by September 30, 1985, a report and recommendations to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate regarding wetlands losses in the United States and the management alternatives for conservation of those wetlands. All Federal agencies shall coordinate with the Secretary concerning the role of each and participate to the extent practicable in assuring that the data is accurate and complete.

The statutory and regulatory mechanisms of the Federal Government, including expenditures, grants, and financial assistance have a significant adverse impact by contributing to the destruction and degradation of wetlands throughout the United States. Construction projects, either for Federal facilities themselves, or through public works expenditures for highway systems, sewer systems, housing developments, and the like, can have immediate and easily definable impacts. Other programs, while certainly of concern, are less readily quantified in terms of their impact on wetland resources. These types of programs would include commodity loans and purchase programs for various farm products, production stabilization programs and income tax provisions which provide for rapid depreciation of the capital costs of activities associated with clearing or draining a wetlands habitat for agricultural purposes. Even less well understood is the impact of such programs as disaster assistance and mortgage guarantees which, while they support development, do not have readily identified, direct links to destruction or degradation of those wetlands. Finally, the impact of general revenue sharing grants is not well defined but could in fact result in some inducement to the destruction and degradation of wetland resources.

Early discussion on the contents of this bill considered the elimination of one or more Federal programs which would have a generally beneficial effect on the rate of wetlands loss. However, the notable lack of information regarding not only the environmental benefits to be attained by eliminating or restricting some future Federal expenditures or financial assistance, but also the economic impacts, including local impacts, on property values and community economic bases, precluded a reasonable assessment of which programs should be modified and which should be allowed to remain.

Therefore, the compilation of data is necessary for an informed and reasonabe decision to be made concerning appropriate mechanisms for achieving the goal of conservation of wetlands resources and as a necessary prerequisite to moving forward.

Subsection (b) outlines the expected report contents. The report shall contain an overall analysis of the causes of wetlands destruction and degradation based on the latest information available. A thorough review of Federal statutory and regulatory mechanisms, including expenditures and financial assistance, should be made to determine which of these mechanisms induce wetlands destruction or degradation and to analyze the relative importance of each. A compilation and analysis of Federal expenditures that result from the loss of wetlands shall be made. Such expenditures might, for instance, include the cost of providing the additional flood protection necessary to offset the flood retention capacity of a lost wetlands system, or the cost of the maintenance of a species affected by loss of wetlands habitat.

After Federal expenditures and financial assistance are identified as having direct or indirect effects on the destruction or degradation of wetlands, those programs shall be analyzed as to the environmental and economic impacts, on both a national, regional, and local scale, of eliminating or restricting such expenditures and, conversely, as to the impact of failure to restrict such expenditures or assistance. Meaningful decisions concerning the curtailment or modification of Federal programs cannot be made until the effects of such change are identified, discussed, and balanced.

Coupled with the National Wetlands Inventory and updated "Status an Trends" reports, the analyses of this report should define the causes, impact (both environmental and economic), scope, and characterization of wetlands destruction and degradation.

It is anticipated that the study outlined in this section will culminate in recommendations for the conservation of wetlands resources based on the evaluation and comparison of all of the management alternatives identified during the study, as well as such other alternatives which may be available to state and local governments and to the private sector if sufficient incentives are provided. The recommendations should include such statutory changes as are appropriate, as well as recommendations for regulatory change and administration initiatives.

Subsection (c) authorizes $1,000,000 provide for this Wetlands Loss Report.

CONTINUATION OF THE FEDERAL PROGRAM

In addition to establishing a new, ten-year, $50 million a year program of Federal assistance for State wetlands conservation, this bill will provide approximately $50 million a year for an emergency ten year period to accelerate the existing Federal wetlands acquisition program.

Under the existing program, the U.S. Fish and Wildlife Service refrains from the use of condemnation except in those cases where failure to acquire land would jeopardize the values for which an area is established. This practice is commended and the Service should continue to purchase only from willing sellers unless there are threats to the resources involved.

As landowners, the Federal Government has a responsibility to make payments in lieu of taxes. Historically, insufficient funds have been requested by the President and appropriated by the Congress to make full payments. If needed Federal acquisition is to proceed without local opposition, the Payment in Lieu of taxes program must be fully funded.

The bulk of the testimony received at the Aberdeen, South Dakota hearing on S. 1329 addressed problems associated with the current program and alleged mismanagement of existing perpetual easements owned by the Federal Government. The U.S. Fish and Wildlife Services should continue to improve easement management practices and seek greater consultation with landowners affected by easements.

Several witnesses and members of the Committee expressed concern about the damage blackbirds, ducks, geese, and prairie dogs which inhabit Federally managed lands inflict upon crops, such as sunflowers, produced by individuals in fields adjoining the Federal lands. The appropriate Federal land management authority should monitor the destruction these animals cause and, in conjunction with the U.S. Fish and Wildlife Service, develop procedures and practices which alleviate the destruction caused by these animals. Similarly, Federal land management authorities should seek to control noxious weeds of Federal lands whenever they adversely affect adjoining landowners.

Acceleration of the Federal wetlands acquisition program is not intended to interfere with an individual state's efforts to pursue economic development through the development of its water resources. As with existing purchases under the Act of March 16, 1934, purchases made under these amendments cannot be made unless there has been gubernatorial consent.

Considerable confusion exists with respect to the number of acres subject to Federal easements in North Dakota. This is because prior to 1976, wetlands subject to particular easements were not mapped as part of the official documentation. When requested by landowners subject to Federal easements in North Dakota, the U.S. Fish and Wildlife Service is directed to map the areas covered by pre-1976 easements as well as to identify the present location of wetlands on their properties. When easements are identified in this manner, the Service should adjust the State acreage total as necessary. The Service should also report to the Committee within one

year on the number of properties so evaluated and any adjustments that were made to total State acreage figures.

Cost of Legislation

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., October 4, 1983.

Hon. Robert T. Stafford,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to Sections 308(a) and 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 1329, the Emergency Wetlands Act of 1983.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

Rudolph G. Penner, *Director.*

Congressional Budget Office—Cost Estimate, October 4, 1983

1. Bill number: S. 1329.
2. Bill title: Emergency Wetlands Resources Act of 1983.
3. Bill status: As ordered reported by the Senate Committee on Environment and Public Works, September 28, 1983.
4. Bill purpose: Title I of the bill extends the authorization for appropriations for the Wetlands Loan Act from 1983 to 1993. This title also amends the Wetlands Loan Act so that funds appropriated to the migratory bird conservation fund will no longer be treated as an advance to the fund. Therefore, no repayment of previously appropriated funds will be required.

Title II authorizes the Secretary of the Interior to charge admission fees at certain units of the National Wildlife Refuge System and to deposit the revenues collected, less administrative expenses, into the migratory bird conservation fund. The Secretary is required to submit a report on the administration of this provision to the Congress no later than March 31 of each year. The bill also raises the price of duck stamps to $10 per year for hunting years 1984 and 1985, to $12.50 per year for hunting years 1986 and 1987, and $15 per year for each hunting year thereafter. In addition, an amount equal to the amount of all import duties collected on arms and ammunition is to be paid quarterly into the migratory bird conservation fund. Title II also provides that for fiscal years 1985 through 1994, $75 million be paid each year from the land and water conservation fund to the migratory bird conservation fund.

Title III authorizes the Secretary of the Interior to provide up to $50 million, less 4 percent allowed for federal administrative expenses, each year to states for purposes of wetlands conservation.

The Secretary is also required to establish a national wetlands priority conservation plan.

Title IV of the bill directs the Fish and Wildlife Service to continue the National Wetlands inventory project and authorizes the appropriation of up to a total of approximately $95 million for fiscal years 1984 through 1996. This title also requires the Secretary of the Interior to submit by September 30, 1985 a report to the Congress regarding wetlands losses in the United States and authorizes the appropriation of $1 million to carry out the provisions of this section.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1984	1985	1986	1987	1988
TITLE I					
Subject to appropriation action:					
Estimated authorization level	5	5	5	5	5
Estimated outlays	5	5	5	5	5
Direct spending authority:					
Estimated budget authority	13	14	14	15	15
Estimated outlays	13	14	14	15	15
TITLE II					
Estimated revenues	9	9	13	13	16
Direct spending authority:					
Estimated budget authority	40	44	44	44	44
Estimated outlays	40	44	44	44	44
TITLE III					
Direct Spending Authority:					
Budget authority	33	45	50	50	50
Estimated outlays	33	45	50	50	50
TITLE IV					
Subject to appropriation action:					
Authorization level	16	15	15	1	8
Estimated outlays	14	16	15	2	6
Total Budget Impact:					
Estimated authorization Level/budget authority	107	123	128	115	122
Estimated outlays	105	124	128	116	120
Estimated revenues	9	9	13	13	16
Estimated increase or decrease (—) to the deficit	96	115	115	103	104

The costs of this bill fall within budget function 300.

Basis of estimate: Title I of the bill extends the authorization for appropriations for the Wetlands Loan Act from 1983 through 1993. The current authorization level for this program is $200 million, of which approximately $147 million has been appropriated to date. Thus, remaining authorization allowed over ten years is $53 million. For purposes of this estimate, it was assumed that the authorized amount would be appropriated in equal annual amounts of $5.3 million over the ten-year period between 1984 and 1993. This title also amends the Wetlands Loan Act by deleting the provision in current law which treats appropriations to the migratory bird conservation fund as advances. Under current law, repayments, composed of 75 percent of each year's duck stamp revenues, would be paid to the Treasury beginning in 1984. Because this legislation would extend the act through 1993 and would forgive the repay-

ment of previously appropriated amounts, the net budget authority under this direct spending provision would be greater than under current law by an amount equal to 75 percent of estimated duck stamp revenues.

Estimated revenues in title II come from two sources: admission fees at designated wildlife refuges and increasing the price of duck stamps as stated in the bill. Based on information from the U.S. Fish and Wildlife Service (USFWS), it is estimated that charging admission fees at refuges will produce revenues of approximately $5 million per year. It is estimated that increasing the price of duck stamps as stated in the bill will produce additional revenues of approximately $4 million per year in hunting years 1984 and 1985, $8 million per year in hunting years 1986 and 1987 and $11 million in hunting year 1988 and thereafter. In addition, based on information from the Department of Commerce, approximately $10 million per year will be transferred to the migratory bird conservation fund from already existing import duties on arms and ammunition. This title also transfers $75 million per year from the land and water conservation fund to the migratory bird conservation fund. Estimated budget authority and outlays under Title II in the table above derive from the provision of an additional $44 million per year to the migratory bird conservation fund. This estimated budget authority is the total of additional funds available for wetlands activities due to the institution of admission fees at refuges, the additional revenue derived from increasing the price of duck stamps, the transfer of an amount equal to the import duties on arms and ammunition and the balance transferred from the land and water conservation fund not used for state grants.

For Title III, budget authority and outlays result from the estimated spending pattern for state grant programs. For Title IV, the authorization level, is that stated in the bill. For purposes of Title IV, it is assumed that the full amounts authorized will be appropriated for each fiscal year. The outlays associated with the authorized amounts are based on similar programs administered by the USFWS.

6. Estimated cost to State and local governments: Beginning in fiscal year 1985 states will be eligible for grants under this bill when the Secretary of the Interior approves a state's comprehensive fish and wildlife resource management plan. To the extent a state has already prepared such a plan, significant additional expenditures will not be required. If a state does not have a comprehensive resource management plan, and wishes to participate in this program, expenses for the preparation of such a plan will be incurred. These costs cannot be estimated with certainty.

Eligible states would receive grants estimated at approximately $42 million per year over the 1984 through 1988 period under this legislation. Fifty percent of the grants would be allocated on the basis of the ratio of each eligible state's expenditure of funds for wetlands conservation projects bears to the total funds expended by all eligible states for wetlands conservation projects. Funds apportioned under this provision cannot be used to fund more than 75 percent of an approved project. Therefore, a nonfederal contribution of 25 percent, approximately $14 million, will be required. The remaining 50 percent will be apportioned by the Secretary of the

Interior consistent with the national wetlands priority conservation plan.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Mary Ann Curtin.

10. Estimate approved by C. G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

Hearings

Hearings were held on this legislation by the Subcommittee on Environmental Pollution on July 7, 1983, in Washington, D.C. The Subcommittee also held hearings on August 10, 1983, in Aberdeen, South Dakota.

Rollcall Votes

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works require that any rollcall votes taken during consideration of this bill be announced in this report.

The bill was ordered reported on September 28, 1983, by a rollcall vote of 15 to 0.

Regulatory Impact Evaluations

Section 11(b) of rule XXVI of the Standing Rules of the Senate require the Committee to evaluate the regulatory impact of the reported bill.

It is not anticipated that this bill will impose any significant new regulatory burden.

Changes in Existing Law

Section 12 of rule XXVI of the Standing rules of the Senate requires publication of the changes in existing law made by the reported bill. The changes are shown as follows: existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic; existing law in which no change is proposed is shown in roman.

Public Law 87-383, As Amended

AN ACT To promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetlands and other waterfowl habitat essential to the preservation of such waterfowl, there is hereby authorized to be appropriated for the period beginning on July, 1961, and ending at the close of [September 30, 1983] *September 30, 1993,* not to exceed $200,000,000.

* * * * * * *

Sec. 3. [Funds appropriated pursuant to sections 715k–3 to 715k–5 of this title shall be treated as an advance, without interest, to

the migratory bird conservation fund. Such appropriated funds, beginning on October 1, 1983, shall be repaid to the Treasury out of the migratory bird conservation fund, such repayment shall be made in annual amounts comprising 75 per centum of the moneys accuring annually to such funds. In the event the full amount authorized by section 715k–3 of this title is appropriated before October 1, 1983, the repayment of such funds pursuant to this section shall begin with the next full fiscal year.] No land shall be acquired with moneys from the migratory bird conservation fund unless the acquisition thereof has been approved by the Governor of the State or appropriate State agency.

PUBLIC LAW 73–124, AS AMENDED

* * * * * * *

SEC. 2. (b) The Postal Service shall collect [$7.50] *$10.00* for each stamp solder the provisions of this section for [any hunting year] *hunting years 1984 and 1985, $12.50 for hunting years 1986 and 1987, and $15.00 for each hunting year thereafter,* if the Secretary of the Interior determines, at any time before February 1 of the calendar year in which such hunting year begins, that all sums in the migratory bird conservation fund attributable to—

(1) amounts appropriated pursuant to the Act for the fiscal year ending in the immediately preceding calendar year; and

(2) the sale of stamps under this section during such fiscal year have been obligated for expenditure. For purposes of this section, the term "hunting year" means the 12-month period beginning on July 1 of any such year.

* * * * * * *

SEC. 4. (b) Except as authorized in [subsection (c)] *subsections (c) and (d)* of this section, the remainder shall be available for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act and for the administrative costs incurred in the acquisition of such areas.

* * * * * * *

SEC. 4. (d)(1) *For the purposes of this subsection—*

(A) the term "wetlands acquisition" means obtaining a property interest in wetlands or associated areas by purchase or lease if obtaining such interest contributes appreciably to the long-term preservation of said wetlands and associated populations of fish, wildlife, and plants;

(B) the term "wetlands conservation" means wetlands acquisition or wetlands enhancement;

(C) the term "wetlands enhancement" means a project (which may include but is not limited to construction, fresh water flow control, and the introduction of appropriate flora) that will (i) establish a wetland, (ii) increase the size of an existing wetland, or (iii) restore the natural quality of an existing wetland.

(2) For the period beginning on October 1, 1984, and ending at the close of September 30, 1994, the Secretary of the Interior is authorized to provide from the fund financial assistance not to exceed $50,000,000 annually to the States for purposes of wetlands conser-

vation. Payments for such purposes shall be made to the States as hereinafter provided, subject to such terms and conditions as the Secretary considers appropriate and in the public interest.

(3) For each fiscal year, sums available from the fund for wetlands conservation under this subsection shall, after deduction by the Secretary of an amount necessary (not to exceed 4 per centum of the total amounts allocated to the States under this subsection) to defray the administrative costs incurred by the Secretary in administering this subsection shall be apportioned among the States as follows:

(i) 50 per centum thereof shall be apportioned on the basis of the ratio, as determined by the Secretary, which each State's obligation of funds other than Federal funds, to wetlands conservation in that State bears to the total amount of funds other than Federal funds, obligated by all such States to wetlands conservation during the most recent fiscal year for which the calculation of such funds is practicable; and

(ii) 50 per centum thereof shall be apportioned on the basis of the extent to which the respective States propose to carry out wetlands acquisition and enhancement projects that are consistent with the national wetlands priority conservation plan established under subsection (e) of this section.

Apportionments made under this subsection shall be adjusted equitably so that no less than one-half of 1 per centum of the total amount apportioned shall be allocated to each State that elects to avail itself of the benefits of this subsection.

(4) A State may elect to avail itself of the benefits of this subsection by:

(A) submitting to the Secretary a comprehensive fish and wildlife resource management plan which shall ensure the perpetuation of these resources for the economic, scientific and recreational enrichment of the people. Such plans will be prepared with opportunity for public comment and provided in a format required by the Secretary which shall be compatible with standards and formats required of States for other fish and wildlife grants administered by the Secretary, particularly the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669 et seq.), Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777 et seq.), and Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.). If the Secretary finds that such plans conform to standards established by him and approves such plans, he may finance up to 75 per centum of the cost of implementing segments of those plans meeting the purposes of this subsection from funds apportioned under this subsection; or

(B) submitting to the Secretary full and detailed statements of any wetlands conservation project proposed for that State. If the Secretary finds, after opportunity for public comment, that such project meets with the standards set by him and approves said project, the State shall furnish the Secretary such surveys, plans, specifications, and estimates therefore as may be required, If the Secretary approves the plans, specifications, and estimates for the project, he shall so notify the State within ninety days of receiving said plans, specifications, and estimates and immediately set aside so much of the fund as represents the

share of the United States payable under this subsection on account of such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof.

(5) The Secretary shall approve only such comprehensive plans or projects as may be substantial in character and design and the expenditure of funds hereby authorized shall be applied only to such approved wetlands conservation plans or projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this subsection. No payment of any money apportioned under this subsection shall be made on any comprehensive wetlands conservation plan or project until an agreement to participate therein shall have been submitted to and approved by the Secretary.

(6) When the Secretary finds that any approved project or segment of an approved comprehensive plan has been completed in compliance with approved plans and specifications or an approved comprehensive plan the Secretary shall cause to be paid to the proper authority of such State the amount set aside for said project or plan. The Secretary may from time to time make payments on said project or plan as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States' pro rata share of the project in conformity with said plans and specifications or said comprehensive plan.

(7) The Secretary may enter into agreements to fund an initial portion of a project and to agree to fund the remaining costs from subsequent apportionments if and when they become available. The liability of the United States in such an agreement is contingent upon the continued availability of funds for the purposes of this subsection.

(8) Any amount of any apportionment under paragraph (3) of this subsection that for any fiscal year remains unobligated at the close thereof shall continue to be available for obligation until the close of the succeeding fiscal year. At the close of such succeeding fiscal year, such amounts shall be available to the Secretary for one additional fiscal year for obligation, without regard to paragraph (3) of this subsection, to the States to carry out the purposes of this subsection. At the close of this additional fiscal year, any unobligated amounts shall remain in the migratory bird conservation fund established under section 4 of the Act of March 16, 1934 (48 Stat. 451; 16 U.S.C. 718d), as amended, and shall become available for expenditure under said Act.

(9) The Secretary is authorized to make rules and regulations for carrying out the provisions of this subsection.

(e) The Secretary, after consultation with the Administrator of the Environmental Protection Agency, the Secretary of Commerce, the Secretary of Agriculture, and the States, shall establish, and periodically review and revise, a national wetlands priority conservation plan which shall specify, on a region-by-region or other basis deemed appropriate by the Secretary, the types of wetlands to which priority should be given with respect to wetlands acquisition and the implementation of enhancement projects. In establishing such priorities, the Secretary shall take into account—

(1) the significance of the loss or threat of loss of the respective types of wetlands; and

(2) the contributions which the respective types of wetlands make to—

(A) wildlife, including endangered and threatened species, migratory birds, and resident species,

(B) commercial and sport fisheries, and

(C) surface and ground water quality and quantity, and flood control.

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